Roe V. Wade at 25

January 28, 1998

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Coincidental with the 25th anniversary of Roe v. Wade, a new New York Times/CBS poll shows that, after 30 million abortions, our nation is just as troubled and irreconciled to its decision as ever. The people who pray daily that this divisive issue will go away are just whistling in the wind.

The NYT/CBS poll shows "a notable shift" in attitudes over the last decade from 40 percent general acceptance of limitless legality to 32 percent, and a growing desire to make abortions harder to get and for fewer reasons. The poll reports that 50 percent of Americans believe that abortion is murder, and almost half said it is too easy to get an abortion.

Conventional wisdom might have predicted that, since 58 percent of Americans say they "know someone well who has had an abortion," the result would be a growing sympathy or acceptance. Guess again. Attitudes have shifted the other way, with one-fourth saying they thought the woman did the wrong thing, and 70 percent saying that interference with her career is not a sufficient reason to justify an abortion.

Despite all that has been written and spoken over the past 25 years, 45 percent of respondents are still either misinformed or uninformed about what Roe makes legal or illegal. They don't know that Roe legalizes the killing of unborn babies at any time throughout nine months of pregnancy, for any reason no matter how trivial, by any method no matter how gruesome.

The poll shows that tolerance of abortion varies widely depending on the age of the unborn child. Sixty-one percent said abortion should be legal in the first three months, only 15 percent approved of abortion in the second three months, and only 7 percent approved in the last three months.

Many people, including William Kristol, editor of the Weekly Standard, believe that Roe v. Wade will emerge as "the central issue in the presidential campaign of 2000" because of the President's power to make Supreme Court appointments. The widespread disaffection with the Imperial Judiciary is another national issue that won't go away, and Roe is central to public resentment of the Court's abuse of power.

As Kristol explains, Roe isn't just about abortion. It is "the very centerpiece of the modern expansion of judicial power," and so its reversal is crucial to reviving "republican self-government, constitutional norms, and moral decency."

That's because Roe's grabbing of legislative powers away from the democratic process, and Roe's creation of new "rights" out of words in the U.S. Constitution that were never so intended, are the vehicles of moral relativism and modern liberalism. The Court overturned democratically passed initiatives (term limits and gay rights), and invented new rights in a wide variety of areas from welfare, to jobs, to prisons and schools.

The Supreme Court recognized Roe's overriding significance in Planned Parenthood v. Casey (1992). When the Justices worried that overturning Roe would "undermine" the Court's "legitimacy," maybe they were really worrying about undermining the Court's grabbing of extra-judicial powers that can be used in such wide-ranging future cases as assisted suicide, cloning, English as our official language, and immigration.

When the abortion lobby accuses Republicans of having a "litmus test" on abortion, it reminds us of the thief who cries "Stop, thief" to distract attention from his thievery. The evidence is unmistakable that the only one who uses a litmus test is Bill Clinton, who reliably appoints only Supreme Court Justices committed to keeping Roe intact.

Intimidated by the "litmus test" slogan, Republican Presidents Ronald Reagan and George Bush failed to get commitments from Sandra O'Connor, Anthony Kennedy, and David Souter. Kristol warns that the Republican nominee in 2000 must pledge to appoint only Supreme Court Justices who will commit to overturn Roe.

Until this month, the Republican Party powers-that-be had always ducked the abortion issue. No speaker at the 1996 Convention in San Diego was permitted to speak up for pro-life, and candidates attending Party training seminars are advised to avoid the issue. Abortion is never mentioned in the millions of surveys that are part of the RNC mail-order solicitations requesting "advice" from small donors along with their "most generous donation."

At the January meeting of the Republican National Committee in Palm Springs, two hours were devoted to speakers articulating the Party's pro-life position, explaining partial birth abortion, and denouncing Bill

Clinton's absolutism about abortion. Not a single one of the 157 RNC members present rose to support a pro-choice position.

Now the Party needs national spokesmen and candidates who can confidently articulate why constitutional government and moral decency require that Roe v. Wade be overturned. If they don't, Republicans will look timid when up against the Democrats' unrelenting and passionate commitment to retain it.